

Message Text

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UNCLAS EDINBURGH 131

DEPARTMENT FOR SCS.

E.O. 11652: N/A
TAGS: CARR
SUBJECT: LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED
ABROAD.

REF: STATE 147704

1. LEGAL COUNSEL IS PROVIDED GRATIS TO PERSONS WHO ARE UNABLE TO PAY FOR SUCH ASSISTANCE. THIS AID IS AVAILABLE IN ALL CRIMINAL CASES AND SOME CIVIL CASES TO PERSONS OF ANY NATIONALITY, WHETHER OR NOT RESIDENT IN SCOTLAND.
2. A DUTY SOLICITOR IS ALWAYS AVAILABLE IN COURT TO PROGIDE COUNSEL, IF NECESSARY, IN MAGISTRATE HEARINGS. IF THE MAGISTRATE DECIDES THAT A TRIAL IS WARRANTED AND THAT THE ACCUSED QUALIFIES FOR LEGAL AID, HE WILL USUALLY APPOINT A DEFENSE COUNSEL AT THAT TIME, AND USUALLY GIVES CONSIDERATION TO THE REQUEST OF THE ACCUSED FOR A PARTICULAR SOLICITOR IF HE IS AVAILABLE.
3. A SUBSTANTIAL MAJORITY OF CRIMINAL CASES IN SCOTLAND ARE HANDLED BY GRATIS LEGAL AID, AND THE RESPONSIBILITIES OF THESE CASES ARE GENERALLY SHARED OUT AMONGST ALMOST ALL OF THE SCOTTISH

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CRIMINAL ATTORNEYS. THEREFORE, THERE IS VIRTUALLY NO DIFFERENCE IN THE QUALIFICATIONS OF THE PUBLIC FUNDED ATTORNEYS AND THE PAID, PRIVATE ONES, FOR THEY ARE THE SAME PEOPLE. THE QUALITY OF THE ASSISTANCE RENDERED CAN, HOWEVER, VARY WIDELY. POST HAS INTERVIEWED A FEW AMERICAN PRISONERS WHO WERE WELL SATISFIED WITH THEIR LEGAL ASSISTANCE. NEVERTHELESS, MOST PRISONERS RESPONDED THAT THEY DID NOT FEEL THEIR LEGAL AID ATTORNEYS SHOWED

SUFFICIENT INTEREST IN THEIR CASES AND SAID THAT THEIR ATTORNEYS FREQUENTLY DID NOT EXPLAIN THE DETAILS OF THE CHARGES OR THE ALTERNATIVES OPEN TO THEM.

THIS DISTRICT'S PRISON POPULATION HAS NEVER BEEN LARGE AND THEREFORE OUR SAMPLE MAY NOT BE REPRESENTATIVE. IT IS PROBABLY SAFE TO SAY, HOWEVER, THAT MOST (BUT DEFINITELY NOT ALL) OF THE LOCAL ATTORNEYS DO NOT PUT AS MUCH EFFORT INTO THE DEFENSE OF A LEGAL AID CLIENT AS THEY WOULD FOR A PRIVATE, PAYING CLIENT. NEVERTHELESS, POST BELIEVES THAT THE DEGREE OF EFFORT EXPENDED ON BEHALF OF THE VAST MAJORITY OF LEGAL AID CLIENTS IS PROBABLY ADEQUATE FOR THEIR CASES. DOBBS

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